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100 East Williston Avenue
East Williston, NY 11545
March 18, 1996

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FCC MAIL ROOM

Dear FCC Chairman and Members:

In the matter of RM-8763 -

FCC MAIL ROOM

As an amateur radio operator for some thirty four years and Extra Class licensee I strongly urge you to strengthen PRB-1 in the ways outlined in the ARRL's request for rule making - RM-8763. As ARRL Local Government Liaison and now State Government Liaison for the NYC/LI Section and having been intimately involved in over twenty antenna cases in the suburban areas around New York City I know that it is absolutely necessary to specify a minimum height below which local government may not regulate and that height must be seventy feet or higher.

In addition you must make it absolutely clear in the document you issue that local government may not deny applications for antennas or support structures because of actual, alleged, or possible interference from amateur stations. In all twenty cases in this geographical area interference, not aesthetics, has been the real issue and local government has used it as a means to deny a permit and as a way to thwart amateur radio operators. In all cases the interference was "alleged" but never proven and there were always some neighbors who stated they had no interference.

A clear statement that F.C.C. is the sole agency to handle interference problems is needed to save amateurs from costly court cases as occurred in Hempstead, NY. Had F.C.C. done this prior to 1993 they would have saved the Long Island amateur radio community and Mark Nadel, NK2T, almost \$30,000 in legal fees. It simply took too long for a letter to come from your agency to the town. In the end it came only after inquiries from Congressman Peter King on our behalf to the F.C.C. because the original PRB-1 concept held that F.C.C. would not get involved in these issues but would leave them to the courts. The decision to "leave them to the courts" has been a financial disaster for many individual amateur radio operators who ran afoul of restrictive local governments bent on frustrating amateur radio operation in their communities.

A clear statement of sole FCC jurisdiction over interference in the upgraded PRB-1 would save your office many hours answering questions from local government on this issue and will certainly save amateurs in all states huge legal fees. I thus strongly urge you to include a statement to this effect in Section 97.15(e) possibly using some of the language contained in the letter from Ralph A Haller to the Hempstead town board. I enclose a copy of the letter.

No. of Copies rec'd 025
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If you choose not to specify the preemption on interference or clearly delineate local governments limits in this area, some local governments will continue to cite "interference" as a reason for denying amateur radio operators the seventy foot height as many erroneously believe that protecting their constituents from interference is "local authorities legitimate purpose" and are under the erroneous impression that lowering an antenna will decrease the likelihood of interference when just the opposite is the reality of the laws of physics.

As local government has at times sought to modify the terms of the F.C.C. licence by limiting power to something less than 1500 watts, allowing operation only at night, or requiring an amateur to lower his tower when he was not at home thus depriving the licensee or other area licensed operators to use his home equipment as a remote base or repeater; an additional clause - "it must not seek to modify the terms of the license granted by F.C.C." - should be added to the last sentence of paragraph (1) of the ARRL's proposed wording of Section 97.15(e) to prevent local government from making these types of restrictions on amateurs operating in their geographic jurisdictions.

Experience with PRB-1 Issues on Long Island

It has also been my experience for the past six years as ARRL Local Government Liaison, and now State Government Liaison for the NYC/LI Section in the ARRL Hudson Division that some amateurs are faced with the prospect of a law suit in order to install an effective antenna system. Most of the time when local government has an ordinance on the books which limits the height of any structure, a tower and antenna is a structure, the amateur is not financially able to challenge a denial of a variance in court. In most cases he or she simply does not have the money for legal expenses so gives in and either finds another hobby or settles for a dipole or vertical. I am also aware of instances where towns have even challenged verticals and dipoles which exceeded their height requirement of about thirty feet. City hall has unlimited financial resources to enforce its restrictive ordinances - tax dollars.

Should this trend continue it would eventually lead to huge gaps in the relay system which amateur radio operators have used for almost seventy five years when handling emergency communications in a natural disaster. This would not be good for the citizens of this nation. An article I wrote on the subject for The New York Times in March 1987 is enclosed.

The Formation of R.A.D.I.O., Inc. -

Almost three years ago along with a group of local amateurs I formed a not-for profit group we called R.A.D.I.O., Inc. (Radio Amateurs Defense and Information Organization) with a number of goals including fund-raising to finance legal challenges resulting from the actions of overly restrictive local regulations. A number of highly qualified expert witnesses (K2YEW, K2RIW, and W2QUV) who could provide testimony at zoning board hearings on issues of engineering safety, the need for the height requested, electromagnetic hazards, and interference, were members of the group. To date we have been involved in almost twenty "tower cases" or hearings on proposed ordinances. We have made highly professional presentations as one of our volunteers is a licensed P.E. who makes a good portion of his income as a professional witness (K2YEW) while another is a former broadcaster (KS2G) now working as public relations director for a large New York City hospital. As a result we were successful in all but one case and that case did go to the state court. That was the NK2T case in the Town of Hempstead on Long Island. While our lawyer did get assistance and advice from ARRL council, Chris Imlay, we received no money from ARRL to pay the almost \$30,000 in legal fees. Yet we were able to raise close to \$22,000 from generous individual amateurs around the country and local clubs with a balance of just under \$1,700 remaining.

In the process we showed local hams that you can beat city hall when you unite. The latest issue of the "FCC Rulebook" contains the precedent setting letter written by the FCC's Ralph Haller to the Town of Hempstead telling them that they could not use interference as a reason for denying the permit for the fifty-six foot tower the case centered around. We enlisted the aid of a U.S. Congressman, Peter King, to make that happen. Two other hams in the same town also received permits for their towers as a result of the case and we are now negotiating with town officials for an ordinance that will permit crank-up towers even higher than the fifty-six foot tower involved in the case. The town now understands that with 1,400 licensed hams residing in the district we can have a decisive impact in elections for trustees which are typically won by only 1500 votes.

The important issue was that NK2T did not have to go it alone. Hams must help other hams who face a lawsuit. NK2T spent almost \$7,000 of his own money on legal bills, but, like most of us, he didn't have the money to go it alone for the entire legal bill. The \$30,000 legal bill would have broken the family piggy bank. I'm not sure we could have raised the money to take the case to federal court had the battle continued.

The experience pointed out the need for a foundation or national organization separate from ARRL, which has a policy not to fund any of these cases, to take over the task of funding at least some of these court challenges, if only to a limited extent. It's my hope that R.A.D.I.O. may some day accomplish that task on more than a regional basis. We will continue to need such an organization even after the FCC rules that the minimum height which any local government may specify for an amateur antenna is 70 feet.

I would like very much to see the F.C.C. specify seventy feet as a height below which local government may not regulate and thus make our organization, R.A.D.I.O., Inc. superfluous or redundant to a great extent.

My experience in East Williston, NY :

My personal experiences with the shortcomings of PRB-1 as currently written clearly indicate the need for a statement concerning interference and a height of 70 feet. They show how local government can find loop holes in the 1986 PRB-1 and use them to thwart amateur radio operators quest for effective antennas

Shortly after PRB-1 was issued in 1986 my local village began to rewrite its entire code of local building ordinances. I had moved from the Queens section of New York City and at the time I was fairly inactive amateur radio operator. I had a forty foot tower which I had brought with me when I moved into the incorporated Village of East Williston but I had not installed it. When I read the huge document detailing the proposed new building code I was shocked.

The proposed ordinances limited all structures to no more than thirty-five feet and specifically forbade any private radio towers or masts. As I lived in an old Victorian house that was 35 feet to the peak of the roof with chimneys that were higher, I realized that the code would make it impossible for me to put up my tower or even a beam on the roof of the house without being in conflict with the new ordinances. In addition my house was to be one of thirteen that were proposed to be put in a "historic district" with additional restrictions outlined in the proposed ordinances. Thus securing a variance would be almost impossible.

At the first hearings in October of 1986 I came prepared with copies of PRB-1 for each of the village trustees and the village attorney. I detailed where the ordinance failed to comply with PRB-1 as it outright prohibited amateur radio antenna support structures pointing out that amateur radio was then under the Private Radio Division of the F.C.C. The

village officials cut me short as I attempted to explain the need for a height of seventy feet for effective antennas.

The village attorney who lived right across the street from me was quick to point out that PRB-1 did not specify a minimum height below which the town could not regulate antennas. One board member told me to challenge it in court. Forcing amateur radio operators to spend a great deal of money on legal fees is a very effective tactic resulting in very few effective amateur radio antennas in most communities.

I petitioned successfully for another hearing to specifically deal with the issues of conflict with PRB-1 as if no provision was made to accommodate effective amateur radio antennas the new ordinances would have to be challenged in federal court if the village attempted to enforce them. Former president of the A.R.R.L., Harry Danials, attended the 1987 hearing and spoke on behalf of amateur radio and dealt with the issue of height and interference and we left the village with additional printed information from the ARRL. In addition a number of area emergency officials (ARES and RACES) wrote to the village on my behalf. There were almost twenty five local amateur radio operators in attendance at the hearing which took over two hours.

Despite all of our efforts the final version of the ordinance made no accommodation for amateur radio antennas at effective height. While the outright prohibition against amateur radio antennas, towers or masts was removed, the maximum height of any structure remained at thirty five feet. No provision for amateur antennas was made despite our expert witness testimony. I feel very strongly that had a height of seventy or more feet been specified in the original PRB-1 my village would have immediately complied, but as there was no such stipulation, they felt that the courts might well uphold their position.

At the second hearing when I had pointed the conflict with Federal policy - PRB-1 - to the one trustees told me "take it to court." Obviously the village attorney, my immediate neighbor, and the village were not interested in complying with the spirit of PRB-1. They probably believed that I might not have the financial ability to pursue the matter in court. Realizing this and aware that the village was going to force me to spend money on legal fees to pursue the issue I decided to erect my tower without a building permit. I knew that I was in for a long term battle with the village and did not want to be without an effective antenna for the years it might take. I also knew that I would not be able to sue the village for damages if their restrictions deprived me of using my amateur radio equipment for three years of a sunspot peak.

Shortly after I put a beam with a 24 foot boom on the tower I received a letter from the village asking me to save myself a great deal of money and embarrassment and take down the antenna and structure or be taken to court. I chose to respond at a monthly village meeting saying that I would not take down the antenna as the village was not in compliance with PRB-1. I also began to explore ways in which I could finance my legal fees through loans on my pension fund.

What followed over the next year and a half were a series of letters from the village, comments at monthly public meetings, and letters to the local newspaper. The village attempted to blame me for a persistent case of tvi and when the FCC was brought in they discovered the culprit was an antenna amplifier owned by a little old lady who was spending the winter in Florida. The mayor was forced to publicly admit that I was not at fault and apologized at a monthly public meeting. For almost a year this continued with my "antenna case" frequently making front page news in the weekly local paper. Copies enclosed of front page articles.

But I did not embarrass easily or at all. I went on the offensive and had an article printed in the Long Island section of The New York Times for which I was paid seventy-five dollars. A copy of the article is attached. Not certain that village officials read The New York Times I sent them all copies. I also decided to run for an elected position as village trustee. That turned out to be the most productive tactic I employed. Long before Newt I realized the power of politics. While I did not win a trustee post I did not come in last in a five way race for two positions. The village officials and town employees now treated me with more respect whenever I spoke on issues at village meetings or met them around the neighborhood. I carefully focused in on issues that had nothing to do with amateur radio.

The village continued to threaten a summons and a court battle but nothing came of it. The new mayor visited my house to look at the antenna and the public pressure continued but I remained unembarrassed. Finally, almost a year later, the day before candidates could begin to gather petitions to be on the ballot, I received a call from the mayor which ended my budding political career. The village, he said, had decided to give me a building permit for my tower and antenna. A few weeks later I discovered that the real reason was that there had been a split in the incumbent party and they simply wanted me out of the way in the next election. I retired from politics so I could enjoy my newly legalized antenna support structure. It was an easy choice.

The Hempstead, NY experience :

The recent experience of NK2T, Mark Nadel, in Hempstead also so points out the need for a statement of exactly what height an antenna becomes effective and a statement that interference may not be regulated or used by local government as a reason for denying a use or building permit. In this instance the town, which had previous granted a variance for a similar installation on a similar size lot to another amateur, denied the variance because they felt that the amateur radio station would cause interference to neighbors. Two neighbors alleged interference to telephones and home entertainment devices while fourteen other had signed a statement that they experienced no interference from the amateur station. As we could not get any FCC office or official to reply to the town on this matter we were forced into the state court. Had a simply statement of FCC jurisdiction then existed in PRB-1 that would have solved our problem and saved us much time and money.

Fifteen months and almost \$30,000 later Mark Nadel, NK2T, did receive his variance for a 56 foot support structure after Ralph A. Haller responded to a request from Congressman Peter King and wrote to the Town of Hempstead. We are now in the process of developing a separate ordinance in Hempstead that will allow a seventy two foot support structure without a variance hearing. Recently we submitted a copy of the ARRL request for rulemaking that led to RM 8763 as evidence that our request for a height of seventy two feet was reasonable and in keeping with what was required in most parts of the United States.

Summary:

I urge you on behalf of R.A.D.I.O., Inc. and the more than two thousand contributors who helped fund its effort on behalf of amateur radio operators who had run into local jurisdictions bent on thwarting a valuable service to the community and the nation:

- * to "put teeth" into the concept of PRB-1 by closing some of the current loop holes by adding the wording to Section 97.15(e) as suggested by A.R.R.L.

I also urge you

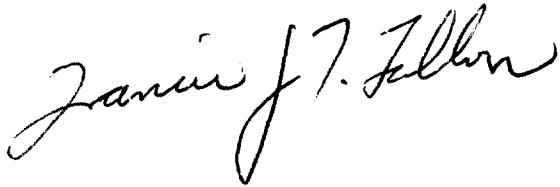
- * to add the necessary language to 97.15(e) making it clear that only F.C.C. can regulate RFI.

Additionally, I urge you

- * to add "it must not seek to modify the terms of the license granted by F.C.C." - to the last sentence of paragraph (1) of the ARRL's proposed wording of Section 97.15(e)
- * to prevent local government from making these types of restrictions on amateurs operating in their geographic jurisdictions.

Respectfully yours,

Francis J.T. Fallon N2FF



ARRL State Government Liaison NYC/LI

President of
R.A.D.I.O., Inc.
Box 343
Williston Park, NY 11596

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
25 OCT 1994

IN REPLY REFER TO:
7240-F/1700C1

Board of Zoning Appeals
Town of Hempstead
1 Washington Street
Hempstead, New York 11550-4923

Dear Board Members:

It has come to our attention that the Town of Hempstead's Board of Zoning Appeals (Board) has denied Mr. Hayden M. Nadel's application for a variance permitting him to maintain his amateur radio station's antenna at a height of fifty-five feet (versus the thirty feet permitted by the zoning ordinance). According to the text of the Board's decision (provided by Mr. Nadel), it based its determination largely on its finding that the "proposed and existing antenna height of fifty-five feet" was resulting in interference to the home electronic equipment of Mr. Nadel's neighbors.

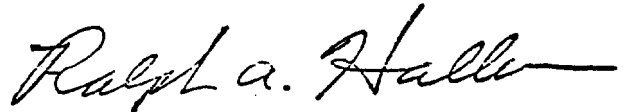
Local governments must reasonably accommodate amateur operations in zoning decisions. See PRB-1, 101 FCC 2d 952 (1985) and Section 97.15(e) of the Commission's Rules, 47 C.F.R. § 97.15(e) (copies enclosed). Section 97.15(e) provides that an amateur station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur service communications. Local authorities may adopt regulations pertaining to placement, screening, or height of antennas, if such regulations are based on health, safety, or aesthetic considerations and reasonably accommodate amateur communications. They may not, however, base their regulation of amateur service antenna structures on the causation of interference to home electronic equipment -- an area regulated exclusively by the Commission.

The Commission's jurisdiction over interference matters is set forth in Section 302(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 302(a) (copy enclosed). It is clear from the report of the Joint Committee of Conference, H.R. Report No. 765, 97th Cong., 2nd Sess. (pertinent excerpts enclosed), that the Congress intended that the Commission have exclusive jurisdiction over interference to home electronic equipment.

I would also like to point out that there is no reasonable connection between requiring Mr. Nadel to reduce the height of his antenna and reducing the amount of interference to his neighbors' home electronic equipment. On the contrary, antenna height is inversely related to the strength, in the horizontal plane, of the radio signal that serves as a catalyst for interference in susceptible home electronic equipment. It is a matter of technical fact that the higher an amateur antenna, the less likely it is that radio frequency interference will appear in home electronic equipment.

I hope the information in this letter is helpful.

Sincerely,

A handwritten signature in cursive script, reading "Ralph A. Haller", followed by a horizontal line.

Ralph A. Haller
Chief, Private Radio Bureau

Enclosures

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This edition is complete in three sections, 52 pages. The first section consists of local news and photos of the area. The second section is a special computer edition with the latest news on computers for home and industry. The regular **Discovery** magazine section which is the third section, has been expanded to 24 pages and includes many new features and an enlarged display classified advertising section.

AHRC Meeting On Brain, Body

The next General meeting of the New Hyde Park-Mineola Auxiliary of The Association for the Help of Retarded Children (AHRC) will be held on Monday, January 27 at 11 a.m. It will be held at the Walker Health Market in Albertson on Willis Avenue.

There will be two speakers: Hanna Kochanowicz who is a nutritional consultant and has worked in mental health for 20 years. She will discuss the "Body and Brain Connection". The second speaker will be Dorothy Baron who is a licensed cosmetologist, beauty culturist and dietary consultant. She will discuss how to achieve "Health and Beauty Through Nutrition". Ms. Baron will also focus on diet and nutrition for the retarded or hyperactive child.

We will have an opportunity to browse through this unusual store. Refreshments will be served. If this sounds like a pleasant way to pass a morning in January, then please join us. Also, please bring a folding chair. Our snow date is scheduled for February 3. For information call Joan Sauls at 352-8215.

Herricks Bd. Budget Seminar

On Wednesday, January 6, Herricks School Board members William Savary and Barry Mastellone attended a school

Village Board Ponders HAM Radio Antennas

Special to the Williston Times

By Lynn Vendinello

On Monday night, January 13, at 8 p.m. in the upstairs of the East Williston Village Hall, over 35 people assembled to address the Mayor and Trustees, and to listen to the discussion on amateur radio operators (HAMS).

The first activity of the night was the swearing in of the members of Art Upstairs, a village artist group that displays its works in the Village Hall.

The night's topic of discussion was amateur radio operators versus a proposed Village ordinance to restrict HAM antennas in the Village. Resident Frank Fallon, an amateur radio operator, representing the Long Island Mobile Amateur Radio Operators (LIMAR), addressed the Board for five minutes. He spoke against the proposed Village ordinance that would prevent the installation of HAM antennas on Village residential lots.

Mr. Fallon said, "The proposed ordinances impinge on us as licensed amateurs and will come into conflict with Federal law P.R.B1, approved on September 18, 1985." He continued, "The FCC feels amateur radio is an important resource. P.R.B1 limits what villages can legally do about antennas." He stressed, "If we do not come to some kind of accommodation, we will end up in Federal court. In fact, we may well, in this case, claim that we (HAMS) were damaged," he said.

Trustee Donald Smith then asked, "What do these antennas look like?"

Mr. Fallon replied, "A beam antenna rotates and has 3 elements, each 16 or 17 feet long. It can stand alone at 22 feet high and cranks up to 40 feet. It is horizontal and looks like a large T.V. antenna. The higher they go the smaller they look."

Trustee Joseph Leary added, "What about interference with village T.V. reception?"

Mr. Fallon responded, "The higher up the antennas are, the less chance of interference."

The Mayor then read from a letter of complaint from Mr. John Gemmelli, Mr. Fallon's next door neighbor. Mr. Gemmelli complained that his television had switched channels due to Mr. Fallon's antenna. Mr. Fallon, already aware of Mr. Gemmelli's concern, replied, "Although I believed Mr. Gemmelli's problem was a result of his own old T.V. antenna, I have since then moved the antenna that was near his house." To date there have been no other interference complaints from Villagers.

Mr. Harry Dannals, a resident of Dix Hills, and President of the American Radio Relay League, followed Mr. Fallon, and addressed the Board for five minutes. During his speech he stated, "In the majority of cases, antennas do not cause interference." He added that both the Department of Defense and the Red Cross have been favorable to HAMS and that during the recent earthquake in Mexico and the hurricane on Long Island, amateur radio operators played a vital role in assisting communication.

During the question period that followed Mr. Dannals' talk, Trustee Rita Doyle asked, "Do you have a tower where you live?" Dannals said



Brown, Mary Hogan, Junior Girl Scouts Ellen Mayor Carl DelVecchio jokes.

troops for the efforts made in this regard: Girl Scouts Jennifer Diane Beyrodt each 10 boxes of Girl Scout sides being awarded national patch and incentive their monumental a girl received a credit Wider Opportunity sponsored by the Girl community. Both Jennifer used their credit to go export in Connecticut their time on the "Mystic Mariner", w to sail.

Jennifer once again 300 mark, but is credit for future use, oveted Wider Oppor-o Walt Disney World.

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Village Board Hears Comments On Rezoning

Special to the Williston Times

By Mary J. Morgan

The East Williston Board of Trustees heard comments about the proposed rezoning plan at a well attended meeting several weeks ago at North Side School.

Mayor Ronald McKay read a letter from Patrick Purcell, president of Wheatley Hills Golf Club, opposing rezoning of the property to Residential AA. The Club felt that this was an "unreasonable restriction" which would downgrade value of the property at least five million dollars while having "no significant benefit to the community."

Frank Fallon of East Williston Avenue said the new law would limit structures to 35' and accessory buildings to 16', but his own house and some on High Street are over 35' tall.

Dr. John Boll said she supported Dr. Pistocchi and she asked how the plan for rezoning came about. She was told that it was proposed by Fred Reuter of McCloskey and Reuter and its purpose was to keep East

Frank Fallon was concerned that changes to buildings in the Historic District could be held up for a year, under the new law. Trustee Casella assured him that the law refers to landmarks and there are none in the Village.

Friday, July 18, 1986

Board Hears Complaints On Television Reception

Special to the Williston Times

By Mary J. Morgan

Channel Four television reception has been unsatisfactory in East Williston according to comments heard at last week's Board meeting. Trustee Donald Smith said he has lived here 30 years and has had three or four TV sets, but he can never get Channel Four as well as the others. Resident John Fougner said the problem is with the picture, not the sound, in his home.

Trustee Joseph Leary suggested referring the matter to a ham operators' group, but Mayor Ronald McKay thought it might be prejudiced and the F.C.C. might be more impartial. The Mayor said he would write to seek assistance in solving this problem.

Friday, November 13, 1987

Ham Operator Will Fight To Keep His Antenna

Special to Williston Times

By Mary J. Morgan

Concern that the Village may soon order him to take down his ham radio antenna or face legal action was voiced by resident Frank Fallon at Monday's Board meeting in East Williston.

Stating he would not "give in," Fallon said the antenna is protected by First Amendment rights, and these rights have been upheld by the courts. He spoke of another ham radio operator, in Sands Point, who was ordered by his village to remove an 86' antenna. The man refused, won the case in federal court, and is now suing his village for one million dollars, according to Fallon.

Michael Hayes lives in Greenlawn.

Angela Amato lives in Smithtown.

Rameshwar Das

Help Ham Radio Operators, So They'll Be There

By FRANK FALLON

Once upon a time, back in the Middle Ages, a young surgeon-barber returning to his home in Gudlux from a distant land stopped for the night at an inn. When he awoke, he was greeted with the news that the village was in the midst of an epidemic of plague.

He helped the people in their time of need. For weeks he toiled long hours and saved many lives. When he left, the villagers thanked him profusely for the fine work he had done. But a year later, when the young surgeon-barber decided to move to the village and set up his office, it was a different story.

The villagers objected strongly to the tall red and white pole he planned to set up to advertise his services. Arguments, meetings and petitions followed. In the end, the village would not allow the tall pole, and the surgeon-barber went elsewhere.

News of this spread to nearby villages, and

Frank Fallon lives in East Williston.

they too banned the red and white poles, fearing declining property values. Soon there were no barber-surgeons in the entire kingdom. A few years later when there was a new outbreak of plague, the entire population of Gudlux perished.

THIS was a mythical story from the Middle Ages, and things like this don't happen today in modern Long Island villages. Or do they?

Despite a long history of public service to both local and distant communities in time of need, amateur radio operators are all too frequently treated like our medieval barber-surgeon. Outstanding performance in situations such as the Mexico City earthquake, the Granada invasion or Hurricane Gloria seem to be overlooked by local towns and villages who may someday need the assistance of amateur radio operators.

Local villages have frequently said, "Not in our village!" and gone on to legislate against "ham" antennas and towers, sure they will never need ham assistance.

One hopes they never will, but if every village, city or town were to be as shortsighted as the people of Gudlux, then we would soon have very few amateur operators in the area. Within a few short years there would be no link to the outside world should disaster strike. When the lights go out and the phones go dead, amateur radio operators have always stepped in to provide emergency communications.

Recognizing this potential problem, the Federal Communications Commission in September 1985 issued an order, PRB-1, that pre-empts the power of local government and limits the extent to which local ordinances can control amateur antennas and support structures.

At hearings before the order was issued, the Department of Defense, the American Red Cross and local Civil Defense and emergency organizations all spoke for amateur radio as a "pool of skilled radio operators and a readily available backup network." The F.C.C. subsequently ordered that local authorities must now use "the minimum practicable regulation" to accomplish their legiti-

mate purpose and craft ordinances to "accommodate reasonable amateur communications."

The Federal Government realizes the importance of amateur radio communications in our modern information age. A number of decisions in Federal courts in other parts of the country have upheld the power of the F.C.C. to make such a ruling. Clearly many existing ordinances are now in conflict with Federal law, and local governments that enact ordinances that conflict with or disregard PRB-1 leave themselves open for lawsuits claiming negligence and damages.

After Hurricane Gloria, more than 500 Long Island ham operators, determined to have power and communications after the next storm, banded together and bought their own generators. Should there be a severe ice storm in winter or a hurricane in summer, they will be ready to provide communications for neighbors and perhaps even power for the folks next door. Efforts such as this deserve encouragement and a pat on the back and not a slap in the face with restrictive ordinances.